

**REMARKS/ARGUMENTS**

Claims 14-39 and 55-84 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claims 1-13 and 40-54 are provisionally rejected on grounds of nonstatutory (judicially-created) double patenting.

Upon entry of the present amendment, claims 1-26 and 40-69 remain pending in this application. Claims 14-26 and 55-69 are amended. Claims 27-39 and 70-84 are cancelled.

**Rejection Under 35 U.S.C. § 101**

Applicants submit that claims 14-26 and 55-69, as amended, constitute patentable subject matter under 35 U.S.C. § 101. With regard to claim 14, the Examiner contends that the recited "computer-readable medium" is not limited to a tangible medium. In order to expedite prosecution, Applicants have amended claim 14 to recite a "computer-readable storage medium." The computer-readable storage medium is either an article of manufacture or a machine, or both. These are statutorily recognized categories of patentable inventions under 35 U.S.C. § 101.

It is well known in the art that a computer-readable storage medium may be manufactured to include instructions that instruct a computer to perform various operations. An example is a CD-ROM with installed software instructions. Such a computer-readable storage medium is an article of manufacture, which is one of the statutorily recognized categories of patentable inventions. In addition, a computer-readable storage medium may also be a machine. For example, the CD-ROM with installed software instructions is also a machine having multiple layers of components that operate together to store digital information. Such a machine is also one of the statutorily recognized categories of patentable inventions.

For at least these reasons, Applicants submit that claim 14 is directed to an invention having patentable subject matter. Claims 15-26 depend from claim 14 and therefore also possess patentable subject matter, for at least the same reasons stated above with respect to claim 14. Claim 55 is rejected under a similar rationale as claim 14. Thus, for the same reasons as discussed above, claim 55 as amended is similarly directed to patentable subject matter.

Appl. No. 10/712,430  
Amdt. dated February 5, 2007  
Reply to Office Action of December 5, 2006

PATENT

Claims 56-69 depend from claim 55 and therefore also possess patentable subject matter, for at least the same reasons as that stated for claim 55.


Nonstatutory Double Patenting Rejection

A terminal disclaimer is submitted herewith in accordance with 37 C.F.R. 1.321(c), which overcomes the nonstatutory double patenting rejection of claims 1-13 and 40-54. As such, Applicants respectfully request withdrawal of the pending nonstatutory double-patenting rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (202) 756-8000.

Respectfully submitted,  
McDERMOTT WILL & EMERY LLP

  
Demetria A. Buncum  
Registration No. 58,848

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 DAB:jrj  
Facsimile: 202.756.8087  
**Date: February 5, 2007**

**Please recognize our Customer No. 20277  
as our correspondence address.**